

George -

One thought on the Rockefeller Commission recommendations.

As we discussed, the idea of a Congressional Joint Committee raises two problems: protection of the classified material provided, and its possible public use in policy argument with the Executive. This note concerns the second.

The nature of the problem is obvious: the Executive will have quite limited patience with any DCI who provides intelligence information or analyses to Congress that is subsequently used on the floor or in committee to oppose Executive policies. This will create pressures to distort or censor the material provided to the Committee, producing anger and recriminations on the Hill plus demoralization within the intelligence community.

A way ~~now~~ to a solution is suggested by Recommendation 5, which deals with the functions of PFIAB but could be applied to the Joint Committee proposed in Recommendation 3. The Joint Committee, in addition to the inevitable budgetary functions, could well be empowered to handle the following items in the PFIAB Recommendation:

1. Assessing compliance by the CIA with its statutory authority.
4. Assessing the quality of the organization of the CIA.
5. Assessing the quality of the management of the CIA.

Item 6 in the PFIAB list, which concerns advising the President etc., presumably would find its counterpart in the Joint Committee's case in the initiation of new legislation. The trouble comes with items 2 and 3.

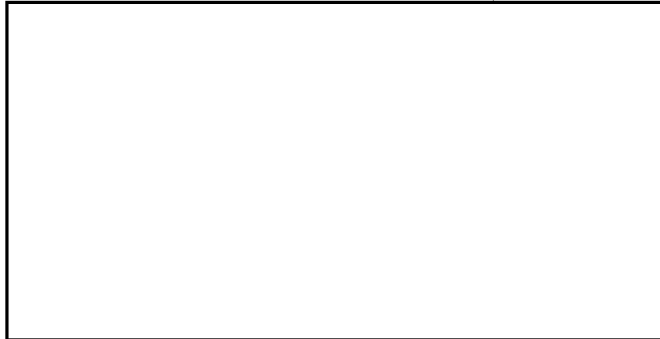
2. Assessing the quality of foreign intelligence collection.
3. Assessing the quality of foreign intelligence estimates.

I see no way in which the Joint Committee could be prevented from having something like these two functions built into its charter. They go to the gut question of how well the intelligence job is actually being done and are therefore bound to be within the Joint Committee's purview. For this reason, I propose that we NOT FIGHT THE PROBLEM by trying to exclude them, but instead concentrate on getting this part of the Joint Committee's role defined in a reasonable way that avoids the problem under discussion here.

The exact legislative language will be the product of prolonged bargaining. In the process of that bargaining, we should press hard for provisions that do NOT call for the routine dissemination of current intelligence, research studies, estimates, etc. to the Joint Committee. Instead, we should try to steer the drafting toward the case study approach. We should argue that the Joint Committee should exercise its oversight of performance quality by looking into ~~particular~~

a series of particular collection and production problems. The selection of each of these problems for study could then be a matter for prior discussion between the Chairman and the DCI, who could consider not only ~~traditional~~ traditional security problems but the intragovernmental problems which this note concerns. Hopefully, one criterion of their selection would be the avoidance of cases that are currently controversial in policy terms and therefore likely to put intelligence in an impossible squeeze.

In any event, in creating the Joint Committee and defining its functions, it is very important that there be a legislative history ~~which~~ that identifies this problem, explores its dimensions, and warns of the possible abuses. I would guess that, even in the present climate, many effective voices could be found to speak in the House and Senate on the need for objective intelligence and the impossibility of getting it if the intelligence process became embroiled in the running battles over foreign policy. This history would give us all something to fall back on as time passed and new players entered the game on all sides.



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George,

Thoughts on the Rockefeller Commission recommendations:

-- If PFIAB is to do the oversight job for the executive, it will obviously require a sow's ear/silk purse miracle of transformation of that outfit. Beyond the obvious points of being in frequent session and having rigorous (as opposed to whatever strikes the fancy) agendas, we might make some recommendations on the kinds of individuals (experience, outlook, skills) that should be picked for PFIAB and its staff, plus the range of viewpoints, etc, the board ought to have.

-- One of the main reasons that our various sensitive and special projects have gotten us into gray or worse areas over the years is that such "broom closet" affairs are by definition both ad hoc and highly compartmented. Thus they are conceived, staffed and managed in a manner triggered by the individual circumstances, and with peoples' attention on fielding the problem at hand rather than staying on the right side of law, regs or morality. An element of safeguard might be introduced if the explicit approval were required, at the outset and at six month intervals, of the DCI, DDCI, Legislative Counsel and Inspector General, (in addition to whichever DD(s) involved) for every "broom closet" activity we undertake.

-- Personally, I think that two DDCIs would be unwise. Beyond the who's-in-charge-when-the-DCI-is-away problem, and the empire rivalry problem, I suspect you'd end up with a managerial (rather than substantive operationally or analytically) type as the admin DDCI, and with that and the military DDCI involved in liaison with military intelligence and establishment, the poor DCI would be no better off, in terms of having a ~~total~~ substitute for himself as DDCI, than he is now.

-- how about requiring the D/DCI/IC to be a senior military officer, freeing him of the trivia underbrush he's now trapped in and augmenting his stature and authority to do what a Military DDCI might do.

-- make no requirement of statute, executive order or tradition that the DDCI be a military officer. Then if you find ~~one~~ ^{a military officer} who really could run CIA, there would be no bar to naming him DDCI. But you would be free to do the sensible thing in the situation we're like to have in the next DCI or two, i.e., someone from outside the intelligence profession, who would be best assisted by a professional ~~civilian~~ (and probably civilian) intelligence officer as DDCI.

-- The revitalize-the-IG Staff recommendation is good. However, they should get marching orders that go beyond the periodic scheduled inspection of components and posts which has always characterized both

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State's and our own IGs. Rather they should spend more of their time on problem-oriented inspection (whether collection, analytical or managerial problems) than on component inspection. The biggest problems cut across components. And they should have an employee suggestion channel (via MAG or otherwise) to surface key problems needing inspection as well as the more orthodox ways tasks are defined.



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